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Fifth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 16-20 June 2014

Draft outcome document

In the context of the Fifth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States considered the implementation of the Programme of Action and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

Bearing in mind the different situations, capacities and priorities of States and regions, they welcomed progress made in the implementation of both instruments, noted the continuing challenges to their implementation, including the need for enhanced international cooperation and assistance and reaffirmed their commitment to the full and effective implementation of the Programme of Action and the International Tracing Instrument over the period from 2012 to 2018, in accordance with the implementation measures adopted at the second United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 27 August to 7 September 2012 (A/CONF.192/2012/RC/4, annex II) and endorsed by the General Assembly in its resolution 68/48.

I. Consideration of the implementation of the Programme of Action in all its aspects at the national, regional and global levels, including stockpile management, including physical security measures of small arms and light weapons

1. States reiterated that proper management of small arms and light weapons stockpiles, in particular in settings of endemic crime and armed violence and conflict and post-conflict situations, is essential to prevent further accidents and reduce the risk of diversion into illicit markets, to illegal armed groups and to

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terrorists, and of illicit proliferation. States also pointed out that stockpile management, including physical security measures, features prominently in the first-ever stand-alone resolution of the Security Council on small arms and light weapons, Security Council resolution 2117 (2013) and recalled that States had recognized the urgent need to maintain and enhance national controls to prevent, combat and eradicate the illicit trade in small arms and light weapons in General Assembly resolution 68/48.

2. [state of implementation]

3. In particular, States considered the specific requirements for adequate stockpile management, including physical security measures, in conflict and post-conflict situations as well as the need for international assistance and cooperation in this regard. States also considered the integration of stockpile management, including physical security measures, into the operational activities of United Nations peacekeeping missions, where relevant and feasible, and in full consultation with relevant stakeholders.

4. States further noted the importance, where mandated and in full consultation with relevant stakeholders, of integrating stockpile management measures with wider national disarmament, demobilization and reintegration and security sector reform programmes, particularly in conflict and post-conflict situations. States also highlighted that adequate stockpile management, including physical security measures, can support effective implementation of arms embargoes determined by the Security Council.

5. States emphasized that stockpile management, including physical security measures, can benefit from technological advances. While not a panacea, these technologies may also be useful in enhancing stockpile management, including physical security measures, particularly in conflict and post-conflict situations. Moreover, sophisticated technologies could further improve the fight against diversion, the tracking of diverted or misused weapons or the prevention of the use of diverted weapons.

6. States highlighted the need to facilitate the participation and representation of women in policymaking, planning and implementation processes relating to small arms and light weapons, including in processes relating to stockpile management, including physical security measures, taking into account Security Council resolution 1325 (2000) and its subsequent resolutions as well as Security Council resolution 2117 (2013) and resolutions of the General Assembly on women, disarmament, non-proliferation and arms control (General Assembly resolution 65/69 and subsequent resolutions).

7. States noted that a comprehensive approach to small arms and light weapons stockpile management should include ammunition.[1]

8. States indicated that the putting in place of adequate and proper life-cycle stockpile management procedures would significantly reduce security risks such as diversion and accidental explosions of depots.

9. States noted that their stockpile management, including physical security measures, could benefit from applying standards, benchmarks and indicators as well

[1] The Chair-designate will undertake further consultations on paragraph 6.

as cooperation on the compilation of lessons learned and good practices relating to the stockpile management and physical security of small arms and light weapons, including, but not limited to, appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of diversion, thefts or loss.

10. States encouraged Member States, relevant international, regional and subregional organizations and members of civil society with relevant expertise to share experiences and research in the area of diversion of small arms and light weapons into illicit trade.

11. States acknowledged the importance of regional cooperation and assistance, including through regional and subregional organizations and United Nations regional centres for peace and disarmament, on issues such as the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

12. In this regard, States highlighted the need for cost-effective environmentally friendly methods of disposing of small arms and light weapons. States also noted the importance of the transfer of related technology, upon request, and where possible.

13. States further recalled that the Programme of Action stipulated that regional and international programmes for specialist training and expertise on small arms and light weapons stockpile management, including physical security measures, should be developed. In this regard, States were encouraged to share information and build further capacity, including relevant training, in this area, and to facilitate the provision of such expertise and training, where requested. States were also encouraged to explore ways to improve the relevant legal basis, including the status of experts and their immunities, cognizant of the different multilateral settings in which such cooperation and assistance are pursued.

The way forward

14. States agreed to undertake the following measures:

(a) To continue to effectively implement the Programme of Action and in this context, to strengthen stockpile management, including physical security measures of small arms and light weapons, in order to prevent the diversion of small arms and light weapons into illicit markets, to illegal armed groups and to terrorists;

(b) To encourage the integration of stockpile management measures with wider disarmament, demobilization and reintegration and security sector reform programmes, particularly in conflict and post-conflict situations;

(c) To take advantage of technological advances to strengthen stockpile management, including physical security measures, where appropriate;

(d) To promote the meaningful participation and representation of women in policymaking, planning and implementation processes relating to the implementation of the Programme of Action, including in processes relating to stockpile management, including physical security measures;

(e) To ensure the safe and effective management and physical security of small arms and light weapons stockpiles in accordance with the appropriate national standards and procedures, and to take adequate measures to strengthen life-cycle stockpile management procedures;

(f) To share, at future meetings on the Programme of Action, good practices and lessons learned on standards, benchmarks and indicators for the effective implementation of stockpile management, including physical security measures;

(g) To strengthen international and regional cooperation and assistance on the implementation of the Programme of Action, including stockpile management and physical security measures, on issues such as the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons, including the establishment of regional centres of excellence to foster increased regional expertise;

(h) To encourage the use of cost-effective environmentally friendly methods of disposing of small arms and light weapons, noting the importance of the transfer of related technology, upon request, and where possible;

(i) To encourage subregional and regional organizations, as well as United Nations regional centres for peace and disarmament, to assist States, upon request, in building relevant national capacities for the effective implementation of the Programme of Action, including stockpile management and physical security measures;

(j) To build further capacity on practices relating to stockpile management, including physical security measures, at the national and regional levels, including through the development of training on small arms and light weapons stockpile management and physical security measures and the provision of such training where requested.

II. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

15. [state of implementation]

16. States noted the importance of information gathering and exchange, on a voluntary basis and in accordance with national legislation or administrative procedures, for combating the illicit trade in small arms and light weapons and preventing their diversion into illicit markets, to illegal armed groups and to terrorists, in particular the timely exchange of tracing results, as well as other relevant information, between appropriate national authorities, such as information on illicit activities including international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion.[2]

17. States acknowledged the new challenges posed for effective marking, record-keeping and tracing by recent developments in weapons technology, including the

[2] The International Tracing Instrument moderator will undertake further consultations on paragraph 16.

development of modular weapon systems and the increasing use of polymer components.

18. States also acknowledged the opportunities for enhancing the marking, record-keeping and tracing of small arms and lights weapons presented by new developments in design and manufacturing, including, potentially, the equipping of weapons with readable microchips capable of storing large amounts of information.

19. States highlighted the potential contribution that tracing illicit small arms and light weapons could make towards immediately preventing the flow of illicit small arms and light weapons into conflict and post-conflict zones.

20. States reaffirmed the important role played by relevant bodies, organs and missions of the United Nations, as well as relevant regional organizations, with respect to tracing illicit small arms and light weapons, particularly in conflict and post-conflict settings.

21. States underscored the important role that tracing illicit small arms and light weapons in conflict and post-conflict zones could play in drawing attention to patterns in the illicit flow of weapons, in the context of planning and implementing disarmament, demobilization and reintegration, security sector reform and integrated national border management initiatives.

22. States stressed the importance of the timely exchange of relevant information and adequate capacities for the full and effective implementation of their mandates by relevant bodies, organs and missions of the United Nations.

23. States acknowledged the importance of keeping tracing information in criminal justice contexts within appropriate law enforcement channels in order to protect sensitive information, in accordance with relevant national laws and regulations and international obligations undertaken by States.

24. States reaffirmed the need to further strengthen national measures on the marking of small arms and light weapons, including, to the extent possible, marking upon import, in accordance with paragraph 10 of the International Tracing Instrument.

25. States reiterated their commitment to designate, where they have not done so, one or more national points of contact on the International Tracing Instrument, including to facilitate cooperation in tracing in accordance with the provisions of the Instrument, and to regularly update this information in their national reports.

26. States highlighted the utility of online technologies for further improving the effectiveness, efficiency and speed of tracing illicit small arms and light weapons, and welcomed in this regard the development of the Illicit Arms Records and Tracing Management System and the iTrace tool, which facilitate information exchange and investigative cooperation between law enforcement agencies.

27. States also highlighted the potential relevance and utility of exchanging ballistic information for the tracing of weapons in the context of criminal investigations.[3]

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[3] The International Tracing Instrument moderator will undertake further consultations on paragraph 27.

The way forward

28. States agreed to undertake the following measures:

(a) To enhance information gathering and exchange, on a voluntary basis and in accordance with relevant national legislation and administrative procedures, particularly the timely exchange of tracing results and other information, including information relevant to combating the illicit trade in small arms and light weapons and preventing their diversion to the illicit market, illegal armed groups and terrorists;

(b) To request the Secretariat to consider options for enhancing the sharing of information on the identified diversion of and the illicit trade in small arms and light weapons between relevant United Nations entities, including expert panels, consistent with their respective mandates and responsibilities;

(c) To consider ways of enhancing their capacity to undertake and respond to tracing requests, in accordance with the requirements of the International Tracing Instrument, including, where appropriate, by making full use of relevant online technologies such as the Illicit Arms Records and Tracing Management System and iTrace;

(d) To consider further the opportunities for improved marking, record-keeping and tracing arising from new technological developments, including increasingly powerful and robust electronic devices;

(e) To request the Secretary-General to prepare further reports on developments in small arms and light weapons technology design and their implications for the International Tracing Instrument, building on the most recent report of the Secretary-General,[4] for consideration at future meetings on the Programme of Action;

(f) To consider developing a supplementary document to the International Tracing Instrument, taking into account recent developments in small arms and light weapons technology in order to ensure that the Instrument remains up-to-date;

(g) To consider measures to strengthen the role and capacities of relevant bodies, organs and missions of the United Nations, as well as relevant regional organizations, in weapons tracing, in accordance with national laws and regulations and of international obligations undertaken by States, with due regard to the need to protect sensitive information;

(h) To encourage entities responsible for the mandating and operationalization of missions mandated by the United Nations, consistent with relevant mandates and competencies and in full consultation with relevant stakeholders, including troop- and police-contributing countries, to include provisions regarding support, upon request, to host Governments for tracing illicit small arms and light weapons in conflict zones, including, potentially, by assigning dedicated staff or monitoring units to relevant missions in order to effectively monitor arms embargoes, and to encourage greater information exchange between expert groups and relevant small arms and light weapons mechanisms within the United Nations;[5]

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[4] A/CONF.192/BMS/2014/1.

[5] The International Tracing Instrument moderator will undertake further consultations on subparagraph (h).

(i) To also encourage, where relevant, the tracing of illicit small arms and light weapons in conflict and post-conflict zones in support to the planning and implementation of disarmament, demobilization and reintegration and security sector reform, as well as integrated national border management initiatives;

(j) To designate, where they have not done so, one or more national points of contact on the International Tracing Instrument, including to facilitate cooperation in tracing in accordance with the provisions of the Instrument, and to update this information in their national reports regularly;

(k) To consider options for developing a comprehensive international assistance framework to provide resources, training, capacity-building and technical assistance to developing countries, upon request, to support the effective implementation of the International Tracing Instrument;

(l) To further encourage in this regard States and international and regional organizations in a position to do so to provide, upon request, adequate technical and financial assistance, including relevant equipment such as marking machines and training, in order to improve national marking, record-keeping, and tracing capacity necessary for the effective implementation of the International Tracing Instrument;

(m) To encourage States and international and regional organizations in a position to do so, upon request, to provide adequate technical and financial assistance to strengthen capacities on ballistic information collection for the tracing of weapons in the context of criminal activities.[6]

III. International cooperation and assistance for the full and effective implementation of the Programme of Action and the International Tracing Instrument, including: capacity-building, including training; and transfer of technology and equipment

29. [state of implementation]

30. States agree that international cooperation and assistance is an essential aspect in the full and effective implementation of the Programme of Action and the International Tracing Instrument. Furthermore, States acknowledged that States and international and regional organizations in a position to do so should provide concrete assistance, including technical and financial assistance to developing countries upon their request. States also noted the value of further drawing on the expertise available in developing countries in that regard.

31. States reaffirmed that international assistance and cooperation should be rendered upon request, without conditionalities, taking into account the needs and priorities of recipient States and that its adequacy, effectiveness and sustainability should be ensured.[7]

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[6] The International Tracing Instrument moderator will undertake further consultations on subparagraph (m).

[7] The Chair-designate will undertake further consultations on paragraph 31.

32. States highlighted the important role of women, including their meaningful participation and representation in international cooperation and assistance measures for the full and effective implementation of the Programme of Action and the International Tracing Instrument, in accordance with relevant international obligations.

33. States identified the need for increased exchanges of expertise, techniques and procedures, including the sharing of best practices and lessons learned, for relevant enforcement authorities. States also highlighted the importance of improving synergies between the United Nations and regional organizations, including through regional centres for peace and disarmament and through the creation of regional expert networks, which can assist in the preparation and development of national action plans.

34. States recognized the value of addressing the illicit trade in small arms and light weapons across borders and their diversion, in accordance with the Programme of Action, and the need to promote cooperation on this matter through the appropriate channels, with full respect for each State's sovereignty and jurisdiction over its own borders.

35. States reaffirmed the importance of effective border controls including laws and regulations that effectively combat the illicit trade in small arms and light weapons across borders as well as the designation of technical focal points that facilitate cross-border cooperation at both the national and regional levels.

36. States acknowledged the usefulness of the global information platform on the Programme of Action and the International Tracing Instrument made available by the Secretariat.

37. States underlined the need for the further development of tools and mechanisms for enhancing international assistance, including technical and financial assistance, required for the full and effective implementation of the Programme of Action and the International Tracing Instrument, including through the improved matching of needs with available resources. States also welcomed, in this regard, the continued effort of the Group of Interested States concerning practical disarmament.

38. States encouraged the further development of mechanisms to increase the measurability and effectiveness of international cooperation and assistance.

39. States underlined the importance of reliable and sustained assistance through United Nations trust fund arrangements and encouraged financial contributions by donor States.

The way forward

40. States agreed to undertake the following measures:

(a) To urge States and international and regional organizations in a position to do so to render cooperation and assistance, particularly technical and financial assistance, upon the request of developing countries, without conditionalities, in the areas relating to the implementation of the Programme of Action and the International Tracing Instrument;

(b) To call on all States and international organizations in a position to do so to provide developing countries with the requisite training and capacity-building, upon request, for the effective implementation of the Programme of Action and the International Tracing Instrument;

(c) To urge States in a position to do so to provide developing countries, upon request, with critical equipment essential to the effective implementation of the Programme of Action and the International Tracing Instrument;

(d) To render international assistance and cooperation upon request, without conditionalities, taking into account the needs and priorities of recipient States, and ensuring its adequacy, effectiveness and sustainability;[8]

(e) To ensure that all activities in support of the implementation of the Programme of Action, including in research and training, should strictly conform to the agreed outcomes of the review conferences on the Programme of Action and the biennial meetings of States, and that voluntary funding should not alter the implementation of these agreed priorities. In addition, activities in the field of international cooperation and assistance in support of the implementation of the Programme of Action should respect the national priorities of recipient States;

(f) To make further efforts to use national reports as a tool to identify, prioritize and communicate assistance needs, to formulate concrete project proposals with measurable goals as part of relevant national action plans and on the basis of objective and detailed assessment of needs, and to mobilize necessary resources, with assistance from international, regional and subregional organizations;

(g) To develop assistance proposals in coordination with relevant regional and subregional organizations, with a view to integrating such proposals into regional and subregional initiatives;

(h) To encourage States to avoid duplication in providing or requesting assistance, to consider the full range of available sources for international assistance and to explore regional partnerships to draw upon the expertise and technical capabilities of neighbouring and other States;

(i) To enhance the exchange of knowledge, expertise and lessons learned at the global, regional, subregional and national levels including through North-South, South-South, bilateral and multilateral cooperation (including triangular cooperation) and through international and regional organizations;

(j) To support the discussion on improving accession and ratification to the legal instruments against terrorism and transnational organized crime and measures that enhance the link, when appropriate, to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol);

(k) To establish or strengthen, where appropriate, subregional or regional cooperation, coordination and information-sharing mechanisms, in particular transborder customs cooperation and networks for information sharing among, as relevant, law enforcement and national border and customs control agencies, with a

[8] The Chair-designate will undertake further consultations on subparagraph (d).

view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders;

(l) To work with the United Nations to better identify the effects of Security Council arms embargoes on neighbouring States and to work collaboratively with United Nations panels of experts, peacekeeping missions (where relevant) and entities to identify capacity gaps and trends related to addressing the illicit trade in small arms and light weapons;

(m) To consider providing financial and technical assistance to States where arms embargo exemptions are in place, upon request and in accordance with United Nations arms embargoes, including for putting in place stockpile management and physical security measures and the marking, record-keeping and tracing of small arms and light weapons;

(n) To encourage States to take full advantage of the benefits of cooperation with the World Customs Organization, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime for ensuring the full and effective implementation of the Programme of Action and the International Tracing Instrument;

(o) To encourage the United Nations Disarmament Fellowship, Training and Advisory Services Programme to include in its agenda adequate attention to the topic of the illicit trade in small arms and light weapons in all its aspects, and to invite States in a position to do so to offer to host further modules to that end;[9]

(p) To request the United Nations to (i) carry out a comprehensive study on the adequacy, effectiveness and sustainability of financial and technical assistance, including the transfer of technology and equipment, particularly to developing countries, since 2001, for the full implementation of the Programme of Action, and to submit this study for discussion at the meeting of governmental experts in 2015 and consideration at the sixth Biennial Meeting of States; (ii) continue to collaborate with relevant research and training institutions on activities regarding small arms and light weapons, including on the sharing, where relevant, of rosters of experts; and (iii) further expand on the web-based resources it provides in order to make relevant information related to the implementation of the Programme of Action and the International Tracing Instrument available globally.

IV. Follow-up to the Second Review Conference

Schedule of meetings for the period 2014 to 2018

41. States referred to the decision of the General Assembly, pursuant to the schedule of meetings for the period from 2012 to 2018 agreed at the Second Review Conference, to convene, in accordance with the relevant provision of the Programme of Action, a one-week biennial meeting of States, in New York in 2014 and 2016 and a one-week open-ended meeting of governmental experts in 2015, to consider the full and effective implementation of the Programme of Action and to hold the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small

[9] The Chair-designate will undertake further consultations on subparagraph (o).

Arms and Light Weapons in All Its Aspects in 2018 for a period of two weeks, preceded by a one-week preparatory committee meeting early in 2018.[10]

42. [Possible follow-up recommendations on the meeting of governmental experts in 2015 and the sixth Biennial Meeting of States in 2016 from report of the Secretary-General on new technologies.]

43. States decided that the open-ended meeting of governmental experts in 2015 will consider the follow-up to the report of the Secretary-General on recent developments in small arms and light weapons,[4] including the transfer of small arms-related technology and equipment, and sustainable, adequate and effective capacity-building and training.

44. States noted the critical importance of international cooperation and assistance, including capacity-building, to furthering the implementation of the Programme of Action and the International Tracing Instrument, and therefore that this topic should continue to be an integral element of the agenda of all meetings on the Programme of Action.

45. States reaffirmed the importance of the early designation of the Chair of future meetings on the Programme of Action and endorsed the nomination of [candidate from Eastern Europe Group] as Chair-designate of the second meeting of governmental experts.

Regional meetings

46. States welcomed the significant role of regional and subregional organizations and instruments in many parts of the world in raising awareness, building capacity and promoting cooperation and assistance to support States, upon request, to implement the Programme of Action and the International Tracing Instrument, and encourage measures to further enhance the effective role that regional and subregional organizations can play, as appropriate, in supporting the implementation of the Programme of Action and the International Tracing Instrument.

47. States reaffirmed the important role that regional and subregional organizations play in supporting the implementation of the Programme of Action and the International Tracing Instrument.

48. States encouraged interested States and regional and international organizations in a position to do so to convene regional meetings in preparation for, and/or to follow up on, the meetings on the Programme of Action and the International Tracing Instrument.

49. States noted the consideration, where relevant, of aligning the timing of regional meetings regarding illicit small arms and light weapons with the global cycle of meetings, so as to ensure, as appropriate, a maximum of synergies between actions taken at the national, regional and global levels.

[10] General Assembly resolution 67/58.

Engagement of civil society

50. States acknowledged the important role that relevant civil society organizations play in engaging, as appropriate, in all aspects of international, regional and national efforts to implement the Programme of Action and the International Tracing Instrument, including raising awareness of the problems of the illicit trade in small arms and light weapons in all its aspects.

51. States encouraged civil society, including non-governmental organizations with relevant expertise and resources, to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the Programme of Action and the International Tracing Instrument, without prejudice to national security and in accordance with the national laws of States.

52. States encouraged engagement with industry, as appropriate, to support effective implementation of the Programme of Action and the International Tracing Instrument and to ensure the process remains fully informed of relevant technical developments.

National reporting

53. States reaffirmed the utility of synchronizing voluntary national reporting as regards the Programme of Action, with biennial meetings of States and review conferences as a means to increase the submission rate and improve the utility of reports, as well as to contribute substantively to discussions at meetings.

54. States encouraged analysing of the content of national reports in order to identify implementation trends and challenges and increase the utility of the reports.

Support for meeting participation

55. States encouraged States in a position to do so, with a view to promoting wider and more equitable participation of States in meetings on the Programme of Action, to provide financial assistance, through a voluntary sponsorship fund where appropriate, to enable States that are otherwise unable to do so to participate in meetings on the Programme of Action, in particular meetings of governmental experts and review conferences.

V. Other issues

56. During the discussion of agenda item 9, without prejudice to the views of other States, some States indicated that, in their view, certain issues were important for the implementation of the Programme of Action. On those issues, other delegations expressed a different opinion. The issues included:

(a) Illicit brokering;

(b) Synergies between relevant instruments;

(c) Promotion of a culture of peace.